

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

x
SECURITIES INVESTOR PROTECTION :
CORPORATION, :
 :
 : Adv. Pro. No. 08-01789 (CGM)
Plaintiff- :
Applicant, :
 : SIPA LIQUIDATION
 :
v. : (Substantively Consolidated)
 :
BERNARD L. MADOFF INVESTMENT :
SECURITIES, LLC, :
 :
 :
Defendant. :

x
In re: :
 :
BERNARD L. MADOFF, :
 :
 :
Debtor. :

x
IRVING H. PICARD, Trustee for the : Adv. Pro. No. 11-02570 (CGM)
Liquidation of Bernard L. Madoff Investment :
Securities LLC, and Bernard L. Madoff, :
 :
Plaintiff, :
 :
v. :
 :
BANCA CARIGE S.P.A., :
 :
Defendant. :

**DECLARATION OF DAVID J. MARK IN
SUPPORT OF DEFENDANT'S MOTION TO DISMISS FOR
LACK OF PERSONAL JURISDICTION AND FOR FAILURE TO STATE A CLAIM**

I, David J. Mark, being duly sworn, declare the following:

1. I am an attorney admitted to practice law in the State of New York and a counsel at the law firm Kasowitz Benson Torres LLP (“Kasowitz”). I have represented Banca Carige S.p.A. (“Banca Carige”) in the above-captioned proceedings concerning the Bernard L. Madoff bankruptcy and consolidated SIPA liquidation of Bernard L. Madoff Investment Securities, LLC (“BLMIS”) since this action was commenced in 2011.

2. I submit this declaration (the “Declaration”) in support of Banca Carige’s memorandum of law in support of its motion to dismiss the Complaint.¹

3. A review of pleadings filed in these proceedings shows that the withdrawals from Fairfield Sentry from October 3, 2007 through October 16, 2007 exceeded \$140 million. A summary of such transfers from Fairfield Sentry is attached to this Declaration as **Exhibit A**.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge and belief.

Dated: New York, New York
January 28, 2022

Respectfully submitted,

By: /s/ David J. Mark
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Counsel to Banca Carige S.p.A.

¹ Capitalized terms not defined herein shall have the same meaning as ascribed in the memorandum of law in support of the motion to dismiss the Complaint.